

# EXHIBIT 56

## MAO DECLARATION ISO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

PUBLIC REDACTED VERSION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA )  
MUNIZ, ELIZA CAMBAY, SAL ) Case No.:  
CATALDO, EMIR GOENAGA, JULIAN ) 3:20-cv-04688  
SANTIAGO, HAROLD NYANJOM, KELLIE )  
NYANJOM, and SUSAN LYNN HARVEY, )  
individually and on behalf of all )  
others similarly situated, )  
Plaintiffs, )  
vs. )  
GOOGLE LLC, )  
Defendant. )

-----)

\*\*\*HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY\*\*\*

REMOTE PROCEEDINGS OF THE  
VIDEOTAPED DEPOSITION OF STEVE GANEM  
FRIDAY, OCTOBER 28, 2022

REPORTED BY NANCY J. MARTIN  
CSR. NO. 9504, RMR, RPR  
CLAUDIA R. GARCIA, CSR. 12812  
JOB No. 5554575

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Remote Videotaped Deposition of STEVE GANEM,  
beginning at 8:14 a.m., Friday, October 28, 2022  
before Nancy J. Martin, a Registered Merit Reporter,  
Certified Shorthand Reporter and CLAUDIA R. GARCIA,  
CSR No. 12812. All parties appeared remotely.

1 A P P E A R A N C E S :

2  
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21  
22 ALSO PRESENT:

23 JOHN JANHUNEN, GOOGLE IN-HOUSE COUNSEL

24 ANTHONY GALINO, LEGAL VIDEOGRAPHER

25  
Page 3

1 (The witness reviewed Exhibit 208.)

2 THE WITNESS: Okay.

3 BY MR. MAO:

4 Q. Mr. Ganem, do you know whether or not  
5 AppIndex was, in maybe the last year or so, deprecated  
6 as a product, for Firebase? Sorry. For Firebase.

7 A. Yes, that's my understanding.

8 Q. What is the reason for that?

9 A. My understanding is that there are alternate  
10 mechanisms that have replaced the functionality that  
11 was initially supported by app indexing that are  
12 preferred.

13 Q. Got it.

14 What is the alternative functionality that  
15 replaced app indexing?

16 A. For example, universal links and app links  
17 and app actions.

18 Q. Super helpful.

19 I'm going to make the representation to you  
20 that my understanding, from Mr. Monsees during his

21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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[REDACTED]

[REDACTED]

My question to you, Mr. Ganem, is that do you at least agree on that with regard to how WAA consent look-up is done for Firebase app indexing?

A. You're asking -- can you clarify whether you're asking me to confirm the behavior of app indexing?

Q. I am, actually.

A. [REDACTED]

[REDACTED]

Q. Is app indexing only a sWAA and not a WAA check as well? That's actually a question. I'm not arguing. I'm literally just trying to understand.

A. The distinction between sWAA and WAA has to do with third-party apps versus OnO apps. So third-party apps, that data and the end user data there, and it's -- the setting that relates to that is sWAA because it's the supplemental web-and-app activity related to third-party apps that use Google services.

Q. Okay. So is that check with that sWAA setting done locally as opposed to, you know, after it hits the Google servers?

MR. SANTACANA: Asked and answered.

1 MR. MAO: And I'm talking about just app  
2 indexing right now, Mr. Ganem.

3 THE WITNESS: Give me just a minute to read  
4 the doc a little bit more.

5 MR. MAO: Sure.

6 THE WITNESS: Thanks.

7 (The witness reviewed Exhibit 208.)

8 THE WITNESS: [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 BY MR. MAO:

13 Q. It states in this document on that first page  
14 under "Background," first paragraph, you can see the  
15 app indexing also supports a Chrome, Maps, Gmail,  
16 Drive and Messages." Do you see that there?

17 (The witness further reviewed Exhibit 208.)

18 THE WITNESS: Yes.

19 BY MR. MAO:

20 Q. Would the gating, okay, for the app indexing  
21 there have been done with a WAA check, W-A-A, as  
22 opposed to a SWAA check?

23 MR. SANTACANA: Outside the scope.

24 THE WITNESS: Based on my personal knowledge  
25 and understanding, first party apps, which intend to

1 store web-and-app activity of those apps against the  
2 users account, will check WAA. Third-party apps,  
3 that's where sWAA comes into effect.

4 BY MR. MAO:

5 Q. And for WAA, do you know whether the check  
6 for app indexing was local, or was it done after the  
7 data hits Google servers?

8 MR. SANTACANA: Again, for first-party apps,  
9 Mark?

10 MR. MAO: Yes, sir.

11 MR. SANTACANA: Outside the scope.

12 THE WITNESS: I don't know.

13 BY MR. MAO:

14 Q. At least as to your knowledge as to the sWAA  
15 check for third-party apps, that being local, what  
16 was -- what's the rationale as to why Google would

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 I'm trying to understand the rationale behind  
22 why the design on a technical level was different.

23 A. App indexing is, by nature, storing  
24 information on your device relative to your app usage  
25 and the indexing of that app, and given that sWAA is a



1 storage setting, [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. So there was not a technical barrier that  
10 prevented Google Analytics from checking that setting  
11 locally, is there?

12 MR. SANTACANA: Objection. Vague.

13 THE WITNESS: It may be -- and I'd need to  
14 check -- that at the time that Google Analytics  
15 launched, there was a technical barrier. Regardless,  
16 as I mentioned, this is a storage control, and

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MR. MAO: Got it. So let me introduce a  
22 document that might -- maybe it will address some of  
23 these technical barriers for analytics that you were  
24 talking about.

25 Can you take a look at Exhibit 209, which

C E R T I F I C A T E

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify;

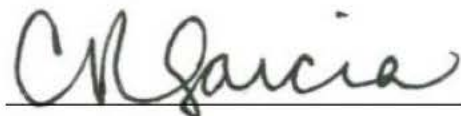
That the foregoing proceedings were taken before me stenographically at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [ ] was [ ] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee or any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 22, 2022

A handwritten signature in cursive script, appearing to read "N. J. Martin", is written over a horizontal line.

NANCY J. MARTIN, CSR. NO. 9504, RMR, RPR